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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,132	05/24/2000	Rainer H Wischinski	SAA-39	5531

7590 10/08/2003

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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,132

Applicant(s)

WISCHINSKI, RAINER H

Examiner

Thomas K Pham

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

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1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Gronemeyer et al. U.S. Patent no. 6,363,359 (hereinafter Gronemeyer).

Regarding claim 1

Gronemeyer teaches

a system for providing technical support for remote automation or control devices, comprising:

- a device identifier (35), for determining components of pre-determined automation or control devices indicated in a device database (33) by periodically querying the devices to have each device indicate its component hardware, software, and firmware, the device identifier for providing the device database (33) with component identifications for the pre-determined devices (col. 5 lines 47-67, "the sentinel monitors a client ... submitted to the server."); and

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- a device configuration manager (36), responsive to the component identifications in the device database (33), and further responsive to available device components in a database (34) of available device components, for comparing the installed device components with the available device components and for providing an offer to upgrade installed device components (col. 6 lines 15-34, "In response to receiving ... computing device's configuration.").

Regarding claim 2

Gronemeyer teaches

- a system diagnostics manager (32), responsive to the component identifications in the device database (33), and further responsive to diagnostics information in a database (31) of end user system diagnostics, for providing device status queries, and for updating the database (31) of end user system diagnostics based on responses to the device status queries (col. 7 line 65 to col. 8 line 14, "the sentinel locates ... the computing device.").

Regarding claim 5

Gronemeyer teaches

- a general technical information database, for providing general technical information about products organized by topic, and further wherein the general technical information made about a topic, thereby providing feedback on the usability of products (col. 5 lines 49-58, "it is assumed that the ... selected server category", and col. 6 lines 35-47, "if a user of a client ... predicted needed items").

Regarding claim 6

Gronemeyer teaches

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- the record of requests for information made about a topic includes an identification of the requester (col. 5 lines 49-58, "it is assumed that the... selected server category").

Regarding claim 7

Gronemeyer teaches

- the device identifier queries the devices via the Internet (abstract).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gronemeyer in view of Ogushi et al U.S. Publication 2002/0029086 (hereinafter Ogushi).

Regarding claim 3

Gronemeyer teaches a system as in claim 1 but does not teach the components of pre-determined automation or control devices are programmable logic controllers. However, Ogushi teaches the components of pre-determined automation or control devices are programmable logic controllers (page 2 paragraph 31 and 32, "The host computer 108 ... factories 102 to 104"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the programmable logic controllers of Ogushi with the system of Gronemeyer because it would provide for controlling the components with a programmable controller in order to manage the automation process dynamically and effectively.

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7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gronemeyer in view of Babu et al. U.S. Patent No. 6,122,639 (hereinafter Babu).

Regarding claim 4

Gronemeyer teaches a system as in claim 1 with a device identifier communicates with the components of pre-determined automation or control devices but does not teach the communication via a wireless access protocol. However, Babu teaches a communication via a wireless access protocol (col. 22 lines 6-20, "Communication system 500 ... various types of information"). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the wireless communication of Babu with Gronemeyer because it would provide for communicating via wireless access protocol as to widen the communication interface in conjunction with the Internet.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874. The examiner can normally be reached on Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor, *Mr. Anil Khatri*, can be reached on (703) 305-0282.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thomas Pham
Patent Examiner

TP

October 2, 2003

Ramesh Patel
RAMESH PATEL
PRIMARY EXAMINER 10/6/03
For Anil Khatri